

Serial No. 10/733,717
Office Action Dated: 05/07/09
Response to Office Action Dated: 11/06/09

AMENDMENTS TO THE DRAWINGS

Please replace Sheets 9/10 and 10/10, including Figures 13-15, with the enclosed Replacement Sheets 9/10 and 10/10, including Figures 13-15.

REMARKS

This amendment and response are submitted in reply to the Office Action dated May 7, 2009, in which the Examiner:

objected to the Drawings as failing to show every feature of the invention specified in the claims;

objected to the drawings as failing to show upstream rim 260 in Figure 13;

rejected claims 1-5 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement;

rejected claims claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite;

rejected claims 1, 2, 4 and 8 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 2, 904,260 to Schueler et al.; and

rejected claims 1, 3 and 5 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,765,510 to Krowech et al.

Applicant respectfully addresses and/or traverses the objection and rejections below. Claims 1-21 are currently pending, of which claims 6, 7 and 9-21 have been withdrawn from consideration, leaving claims 1-5 and 8 under consideration in the application. Claims 1 and 8 are independent claims.

Regarding the objections to the Drawings, Applicant respectfully submits that the current amendments to the claims, Specification and Drawings fully address the objections. Specifically, the first and second faces of claim 1 have been amended to recite “upstream and downstream faces” which are shown in at least amended Figure 14. Additionally, paragraph [0043] of the Specification has been amended to include a central aperture 239, which is shown in at least amended Figures 13 and 14. Claim 1 has been amended to replace “inboard surface” with “interior surface,” which is shown in at least amended Figure 14.

Additionally, Figure 13 has been amended to include the “upstream rim 260.” Accordingly, Applicant respectfully requests that the objections to the Drawings be withdrawn.

Regarding the rejection of claims 1-5 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, Applicant respectfully submits that the “central aperture” is described in at least amended paragraph [0043] of the Specification and shown in at least Figures 13 and 14. Additionally, Applicant respectfully submits that the “first and second faces” have been amended to recite “upstream and downstream faces,” which are described in at least amended paragraph [0043] of the Specification and shown in at least Figure 14 of the Drawings.

Additionally, the Examiner asserts that it is not clear from the disclosure of paragraph [0043] how the cooling fluid that enters the flange travels all the way to the cooling gas outlet. Applicant respectfully disagree with the Examiner’s assertion. Specifically, paragraph [0043] of the Specification clearly describes how the cooling flow enters the flange at ports 272 through fittings 274. The cooling flow then proceeds through passageways 270 and metering ring 264 into the annular space 276, to be discharged from the cooling gas outlet 278. (Specification, paragraph [0043]). This cooling flow path is clearly seen in Figures 13 and 14, as illustrated below in amended Figure 14.

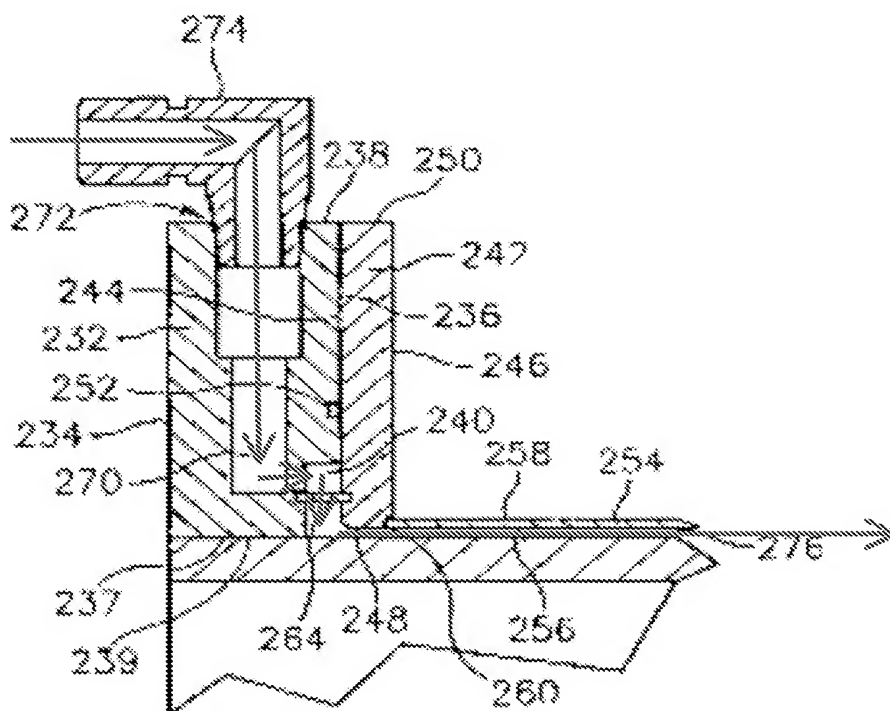


FIG. 14

Furthermore, Applicant respectfully submits that the bolts do not need to be shown in Figures 13 and 14, as asserted by the Examiner. (See Office Action, page 4). As the Examiner notes in the Office Action, Figure 13 is a sectional view of Figure 12. Figure 14 is an enlarged view of a portion of Figure 13. It is clear from Figure 12 that neither the bolts nor the bolt holes are in the section through which Figure 13 is taken. In fact, the bolts are not even shown in Figure 12. Therefore, the bolts should also not be shown in Figure 13.

Accordingly, Applicant respectfully submits that claims 1-5 comply with the written description requirement and respectfully request that the rejection of claims 1-5 under 35 U.S.C. §112, first paragraph, be withdrawn.

Regarding the rejection of claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite, Applicant respectfully submits that the current amendment to the claims fully addresses this rejection. Accordingly, Applicant respectfully

requests that the rejection of claim 5 under 35 U.S.C. §112, second paragraph, be withdrawn.

Regarding the rejection of claims 1, 2, 4 and 8 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 2, 904,260 to Schueler et al., amended claim 1 recites, in part, a mounting flange having an outboard perimeter having at least one cooling fluid inlet, and at least one radially extending passageway through the flange in communication with the at least one cooling fluid inlet.

Amended claim 8 recites, in part, that a flange includes at least one cooling fluid inlet at an outboard perimeter in communication with at least one passageway extending radially inward therefrom.

An anticipation rejection is improper unless a single prior art reference shows or discloses each and every claim recitation. Schueler does not show or disclose each and every recitation of amended claims 1 and 8. For instance, Schueler does not show or disclose a mounting flange having an outboard perimeter having at least one cooling fluid inlet, and at least one radially extending passageway through the flange in communication with the at least one cooling fluid inlet. Rather, Schueler shows a cooling passage that extends axially through the interior of its flange. (See Schueler, Figure 1). Schueler does not show any radially extending passageway through its flange. Therefore, Schueler does not show or disclose each and every recitation of amended claims 1 and 8.

Claims 2 and 4 depend, directly or indirectly, from amended claim 1 and include additional recitations thereto. Accordingly, Applicant respectfully submits that the rejection of claims 2 and 4 as anticipated by Schueler is improper for at least the same reasons stated in connection with amended claim 1.

Additionally, with regard to claim 4, claim 4 depends from claim 1 through claim 3. Schueler does not show or disclose, nor does the Examiner assert that Schueler shows or discloses, each and every recitation of claim 3 of the present invention. Since Schueler does not anticipate claim 3, Schueler certainly does not anticipate claim 4, which depends from claim 3.

Accordingly, Applicant respectfully submits that the rejection of claims 1, 2, 4 and 8 under 35 U.S.C. §102(b) as anticipated by Schueler is improper for at least the reasons stated above and should be withdrawn.

Regarding the rejection of claims 1, 3 and 5 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,765,510 to Krowech et al., a rejection under 35 U.S.C. § 103(a) is improper unless the Examiner establishes a *prima facie* case of obviousness. A *prima facie* case of obviousness is not established where the reference teachings, alone or in combination, do not teach or suggest the claimed invention as a whole.

Krowech does not teach or suggest amended claim 1 of the present invention. For instance, Krowech does not teach or suggest a mounting flange having an outboard perimeter having at least one cooling fluid inlet, and at least one radially extending passageway through the flange in communication with the at least one cooling fluid inlet. Rather, Krowech teaches a flange without a radially extending passageway in communication with a cooling fluid inlet at an outboard perimeter of the flange. (See Krowech, Figure 2). Therefore, Krowech does teach or suggest each and every recitation of amended claims 1 of the present invention.

Claims 3 and 5 depend directly from amended claim 1 and include additional recitations thereto. Accordingly, Applicant respectfully submits that the rejection of claims 3 and 5 as unpatentable over Krowech is improper for at least the same reasons stated in connection with amended claim 1.

Accordingly, Applicant respectfully submits that the rejection of claims 1, 3 and 5 under 35 U.S.C. § 103(a) as unpatentable over Krowech is improper and should be withdrawn.

As Applicant has addressed and/or traversed each and every objection and rejection raised by the Examiner, it is hereby respectfully requested that the rejections of claims 1-5 and 8 be withdrawn, and claims 1-5 and 8 be passed to issue.

Applicant hereby petitions for a three-month extension of time in which to file this amendment and response and authorizes the charge of \$1110.00, to cover the fee for the three-month extension of time, to be charge to Deposit Account No. 13-0235.

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Applicant believes no additional fees are due in connection with this amendment and response. If any additional fees are deemed necessary, authorization is granted to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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